

**AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS ROOM, 8<sup>TH</sup> FLOOR, CITY HALL, HAMPTON, VIRGINIA, ON FEBRUARY 10, 2003 AT 3:30 P.M.**

**PRESENT:** Chairman Ralph A. Heath, Vice-Chairman Harold O. Johns, and Commissioners Timothy B. Smith, Perry T. Pilgrim, Katherine K. Glass, and George E. Wallace

**ABSENT:** Randy Gilliland

**ROLL CALL**

A call of the roll noted all Commissioner Gilliland as being absent.

**ITEM I. MINUTES**

There being no additions or corrections, a motion was made by Commissioner Timothy B. Smith, and seconded by Commissioner Harold O. Johns, to approve the minutes of the January 13, 2003 Planning Commission meeting. A roll call vote on the motion resulted as follows:

AYES:	Smith, Johns, Pilgrim, Wallace, Heath
NAYS:	None
ABST:	Glass
ABSENT:	None

**ITEM II. YOUTH PLANNER REPORT**

Ms. Alicia Tundidor, Youth Planner, stated in an effort to get a teen center finalized, numerous projects are being implemented. In addition to spreading the word in the community, the Youth Planners, along with help from the Youth Commission's Comprehensive Plan Committee, are in the process of finalizing the security plan for the teen center. City Council has requested that a security plan be implemented before they consider endorsing the edifice. The Youth Commission is presenting the teen center project to Council on April 9<sup>th</sup>. On behalf of all the youth in Hampton, the Youth Planners and the Youth Commission are very excited about this opportunity. Their prayers, hopes and desires are that the teen center will be acknowledged by the adult community. Ms. Tundidor stated at the April 9<sup>th</sup> meeting, they would be presenting the Youth Friendly Guidebook. The guidebook's purpose is that businesses in Hampton will become more friendly and adaptable to youth which will help both businesses and young people in the future. She stated the Youth Planners, in addition to the Youth Commission's Publicity Committee, are jointly working on a marketing tool to be presented to members of the community. The tool's sole purpose is to spread the word of the advantages and endorsements of the teen center. They will be seeking support from various areas and organizations.

### **ITEM III. HAMPTON COMMUNITY PLAN**

#### **Plan Status**

Mr. Keith Cannady, Chief Planner, presented to the Commission an update on Hampton's Community Plan process. He stated the kick-off was held on Tuesday, January 28<sup>th</sup> at Hampton High School and approximately 125 people were in attendance. The focus groups received their resource notebooks, as well as other attendees at the meeting. Welcoming remarks came from the Mayor and City Manager. An overview was presented of the Strategic Plan regarding the status since 1998. The members were divided into focus group sessions to kick off the process. Mr. Cannady distributed an overview of the Focus Group Tasks and schedule for Phase I, a copy of which is attached hereto and made a part hereof.

#### **PUBLIC HEARING**

### **ITEM IV. REZONING APPLICATION NO. 1166**

Chairman Heath read the public hearing notice on the next agenda item as advertised in the Daily Press on January 27, and February 3, 2003.

**Rezoning Application No. 1166** by Marlyn Development Corp. to rezone 18.9± acres from Multiple Residence (R-M) to Two Family Residence (R-8) and Multiple Dwelling (MD-4) District for duplexes and apartments. The site, formerly Sinclair Gardens, is within the triangle formed by the rear property lines of Westover Street, Keith Road and Gilbert Street. The property begins at the intersection of Gilbert Street and Keith Road, extends 1,300'± northwest to the intersection of Keith Road and Westover Street, continues 1,335'± southwest to the intersection of Westover and Gilbert Streets, and then east 1,875'± along Gilbert Street to its intersection with Roane Drive.

Mr. David Jester, President of Marlyn Development, 200 61<sup>st</sup> Street, Virginia Beach, Virginia, stated Marlyn Development Corporation is a local real estate developer who has been in business approximately twenty years. He stated a project similar in nature to the proposed request is Stuart Cove in Norfolk, Virginia. Stuart Cove apartments are dedicated to seniors located on the Elizabeth River off South Military Highway. City staff and representatives that reside around Sinclair Gardens were invited to tour the facility. They recently completed Southbeach Apartments in Virginia Beach which received a Residential Design of the Year Award. They are currently building Lynnhaven Cove, located off Lynnhaven Parkway in Virginia Beach, which is dedicated to seniors. He stated approximately ten months ago when competing for the project through the RFP, they teamed up with an architectural firm named Kroskin Design Group that specializes with senior housing. They also teamed up with S. L. Nesbaum Realty Company, which manages properties in the area and Mr. Steve Cooper, a recent hire, who used to be with a local Redevelopment and Housing Authority. When they met, they agreed that the proposed property would be ideal for traditional neighborhood

design, which is a combination of different types of single-family homes and apartments for families, age groups and needs. They have worked with city staff and the community members to come up with a plan that consist of 55 single family lots, 16 duplex lots, and 138 apartment units dedicated to seniors. Highlights of the plan include a homeowners association, clubhouse, pool, water features, fountains, section of landscaping, and homes off rear alleys. In regards to traffic, the area will have round-about or bump-outs to slow down traffic in the neighborhood. They have instituted development guidelines with the blessing of city staff. In regards to the neighborhood design, the residents will not have front driveways or garage architecture. The homes are encouraged to have front porches, extra sidewalks and lighting. No front door fencing, but rear loading garages. With all the features that have been incorporated in the plan, Mr. Jester feels it would be a dramatic improvement to the overall neighborhood and a great place for the residents. He presented designs of the site plan, architectural plans for the community center, and renderings of the apartment and homes, which has been viewed by city staff and community representatives. He entertained questions from the Commission.

In response to a question by Commissioner Smith, Mr. Jester stated there will not be access to alleyways where homes already exist.

In response to a question by Commissioner Smith, Mr. Jester confirmed that there will be a closing of Keith and Westeover Streets.

In response to a question by Commissioner Johns in regards to security, Mr. Jester stated the seniors will have a secured building with an electronic key entrance. In addition, all apartment units have pull cords that are located within two locations of the apartments that is monitored 24 hours a day. There will be a community center that will be staffed seven days a week from 9:00 a.m. to 5:00 a.m. The single-family homes will have pre-selected street lights/mail box combination that will be installed on every lot.

In response to a comment by Commissioner Johns regarding age requirement for the apartments, Mr. Jester stated one person would have to be 62, but the spouse could be age 55.

Ms. Stephanie Mertig, City Planner, presented the staff report, a copy of which is attached hereto and made a part hereof. She stated staff finds that with the proposed proffers, the rezoning is in compliance with the Comprehensive Plan, the Strategic Plan and the North King Street Corridor Study, and is compatible with the surrounding neighborhood and land uses, and therefore suggests that the Planning Commission recommend to City Council approval of Rezoning Application No. 1166.

Mr. Frank Capone, 14 Eagle Point Road, stated he is excited about the proposed request. He is a member of the Re-Use Committee, which was formed prior to the demolition of Sinclair Gardens Apartments and chaired by Assistant City Manager Michael Monteith. He stated he owned his property since 1971 and has watched Sinclair Gardens deteriorate. The Re-Use Committee initially looked at what they would like to see on the property. The committee was interested in senior citizen housing and

presented the proposal to City Council. The committee subsequently worked with Mr. Jester and HRHA. The committee helped develop the RFP, reviewed all bids, and narrowed the developers down to three. The committee, along with other city staff visited the facilities, spoke with residents and found Marlyn Development Corporation to have nice products. One of the things that was a key for the city, is that Mr. Jester plans on developing and being a neighbor on the property. The committee has worked closely with Mr. Jester, and is satisfied with the input he has received from the community, and they welcome him as their neighbor. Mr. Capone asked the Commission to approve the rezoning.

After discussion, the Commission approved the following resolution:

- WHEREAS: The City Planning Commission has before it this day a request by Marlyn Development Corp. to rezone property that was formerly Sinclair Gardens Apartments from Multiple Residence (R-M) to a combination of Two Family Residence (R-8) and Multiple Dwelling (MD-4). The property includes 18.9± acres and is located west of North King Street in the area where Gilbert, Westover and Keith Streets meet to form a triangle.
- WHEREAS: The property is currently zoned R-M, which permits such uses as single and multi-family uses, mobile home parks, professional offices and private clubs. The R-M district is actively being eliminated from the Zoning Ordinance. The proposed zoning districts are R-8 and MD-4, which are the districts that most closely resemble the proposed redevelopment project; and
- WHEREAS: The Sinclair Gardens Task Force was formed to review and recommend redevelopment options for the re-use of the Sinclair Gardens site. The Task Force recommended senior housing as a preferred redevelopment option; and
- WHEREAS: The Comprehensive Plan and North King Street Corridor Study both recommend low density zoning in this area. The North King Street Study advocates controlled re-development that results in an overall decrease in density. The project would decrease the average density in the area from 14.3 units per acre to 11.9 units per acre; and
- WHEREAS: Responding to a Commissioner's question, the applicant stated that adjacent neighborhoods would not have rear access to the alleys and that it is the intention to close a portion of Keith and Westover Streets; and
- WHEREAS: Responding to a Commissioner's question, the applicant stated that the apartment building will be secured by electronic key entrances. The applicant also stated that each apartment will have two emergency pull cords that are monitored. The single family and duplex lots will have lighting on all lots to increase security; and

WHEREAS: Responding to a Commissioner's question, the applicant stated that seniors wishing to live in the senior apartments must be 62 years of age and their spouse must be at least 55 years of age; and

WHEREAS: One community member spoke in favor of the proposal, and no community members spoke in opposition; and

WHEREAS: The proposal is consistent with the recommendations of the 2010 Comprehensive Plan and the North King Street Corridor Study.

NOW, THEREFORE, on a motion by Commissioner Tim Smith and seconded by Commissioner Perry Pilgrim

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable City Council that the proposed rezoning of the Sinclair Commons site from R-M to a combination of R-8 and MD-4 be approved.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Johns, Pilgrim, Glass, Wallace, Heath
NAYS:	None
ABST:	None
ABSENT:	Gilliland

#### **ITEM V. USE PERMIT APPLICATION NO. 987**

Chairman Heath read the description of the next agenda item.

**Use Permit Application No. 987** by Triton PCS to construct a 138' high freestanding monopole communication tower and equipment shelter at 546 East Mercury Boulevard. The property fronts 210'± on the west side of East Mercury Boulevard beginning 70'± south of its intersection with Webster Street and extends west for a depth of 337'±.

Mr. Dell Finocchi, applicant for Triton PCS, stated Triton is applying for a 138' high freestanding monopole communications tower that will be 130 feet from the existing monopole structure on the same property. The reason Triton cannot go on the existing monopole is that it has other carriers. A structural engineer's report submitted by the building official indicates that the tower is over-capacity, and adding an additional antenna would jeopardize the structure. An alternative solution is to build a second tower in close proximity to the existing tower at the same height. He stated Triton's situation is different because they are not looking for a site to bring coverage to an area, but in their mature system, they are at a point in dealing with capacity because some sites are getting too much cellular traffic, and adding the proposed tower will relieve some of the congestion. He presented a copy of the site plan showing where the tower would be placed, and was available to answer questions from the Commission.

In response to a question by Commissioner Smith, Mr. Finocchi stated Triton is not operating off the existing tower.

In response to a question by Commissioner Smith, Mr. Finocchi stated Triton goes through a progressive stage of dealing with each site. The first phase is to go through expansion, and there is a finite amount of cellular traffic that each site can carry. Often, in the urban areas, equipment is installed that maximizes the capacity. There are times where an additional ability to upgrade a certain facility is done beforehand because the cost is cheaper. Cell splitting and going to second cell circling is the last step to take to handle full capacity.

In response to a question by Commissioner Wallace, Mr. Finocchi stated landscaping includes trees that will be planted around the perimeter of the fenced-lined area. The larger trees will be Leyland Cypress, and the internal trees will be Holly. A Holly hedge will be planted around the fencing, and around the perimeter will be a row of Luminous Cypress.

In response to a question by Commissioner Wallace, Mr. Finocchi stated at planting the Leyland Cypress will be 6 feet, and the Holly will be 4 feet. Tricon will own the facility, and will do everything they can to keep it maintained.

Ms. Caroline Butler, Chief Planner, presented the staff report, a copy of which is attached hereto, and made a part hereof. She stated staff suggests that the Planning Commission recommend to City Council, approval of Use Permit Application #987 because it is consistent with adopted policies for communications towers.

After discussion, the Commission approved the following resolution:

WHEREAS: The Planning Commission has before it this day an application by Triton PCS to obtain a Use Permit (No. 987) to erect a 138' high freestanding monopole communications tower and supporting equipment shelter at 546 East Mercury Boulevard; and

WHEREAS: The 2010 Comprehensive Plan recommends commercial/mixed-use for this area, and there is a pattern of mixed land use and zoning in the vicinity that includes residential, commercial, and public uses; and

WHEREAS: This property is zoned General Commercial District (C-3), which may allow communications towers with an approved Use Permit; and

WHEREAS: There is already a 133' high tower on the same site, which was extended in height in 2001 to accommodate an additional provider, and a structural engineer's report states that increasing its height again would compromise its structural integrity, making it unavailable for Triton PCS to co-locate on it; and

WHEREAS: Adopted public policy for communications towers recommends placing them on sites where there are already existing towers, and this proposed Triton PCS tower will provide space for two additional providers; and

WHEREAS: In response to a question by the Commission, the applicant indicated that the fence around the equipment shelter will be screened with a continuous row of 6' high Leyland cypress trees mixed with 4' high holly shrubs at installation; and

WHEREAS: No one from the public spoke on this application.

NOW, THEREFORE, on a motion by Commissioner Harold O. Johns and seconded by Commissioner Timothy B. Smith,

BE IT RESOLVED that the Planning Commission recommends to the honorable City Council approval of Use Permit Application No. 987, subject to three conditions.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Johns, Pilgrim, Glass, Wallace, Heath
NAYS:	None
ABST:	None
ABSENT:	Gilliland

#### **ITEM VI. PLANNING DIRECTOR'S REPORT**

Mr. O'Neill reminded the Commission of the luncheon to be held Wednesday, February 12<sup>th</sup> beginning at 11:30 a.m., with the guest speaker giving a presentation shortly after 12:00 noon. Mr. O'Neill stated he anticipates a large crowd attending this presentation along with questions.

#### **ITEM VII. ITEMS BY THE PUBLIC**

There were no items by the public.

#### **ITEM VIII. MATTERS BY THE COMMISSION**

There were no matters by the Commission.

#### **ITEM XI. ADJOURNMENT**

There being no additional items to come before the Commission, the meeting adjourned at 4:10 p.m.

Respectfully submitted,

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Terry P. O'Neill  
Secretary to Commission

APPROVED BY:

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Ralph A. Heath, III  
Chairman